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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4012/2024 & CRL.M.A. 33073/2024**

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.....Applicant

Through: Mr. Suraj Prakash Sharma,
Advts.

versus

THE STATE(N.C.T. OF DELHI)

.....Respondent

Through: Mr. Utkarsh, APP for the
State with ASI Pawan
Kumar, PS Burari.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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18.11.2024

1. The present application is filed seeking regular bail in FIR No. 580/2024 dated 05.09.2024, registered at Police Station Burari, for offences under Sections 110/3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The FIR was registered on an allegation that the complainant, when tried to stop the applicant and other accused persons who were drinking while sitting in their vehicle, was beaten up.

3. The accused persons including the applicant hit the complainant on his head with a stick and also hit him with fist and kicks.

4. The learned counsel for the applicant submits that the provisions of Section 110 of the BNS are not attracted in the present case.

5. He submits that admittedly the complainant and the

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accused persons were not known to each other and the altercation happened when the complainant approached the accused persons and tried to stop them. He submits that the same at the highest would amount to causing of hurt on provocation which attracts the maximum punishment up to a period of five years.

6. The learned Additional Public Prosecutor for the State submits that grievous injuries were caused to the complainant and the complainant is yet to be examined the present case.

7. I have heard the arguments advanced by the learned counsel for the parties.

8. As per the case of the complainant, the incident happened when the complainant approached the accused persons when they were allegedly drinking while sitting in their car. Accused persons admittedly did not know the complainant.

9. The chargesheet has already been filed in the present case.

10. The applicant is stated to be belonging to the humble strata of society. The antecedents of the applicant are also clean.

11. The object of jail is to secure the appearance of the accused persons during the trial. The object is neither punitive nor preventive and deprivation of liberty has been considered as a punishment without the guilt being proved. The applicant cannot be made to spend the entire period of trial in custody especially when the trial is likely to take considerable time.

12. In opinion of this Court, the custody of the applicant is no longer required.

13. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court / Duty MM / Link MM, on



the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- b. The applicant shall appear before the learned Trial Court as and when directed;
- c. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- d. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.

14. In the event of there being any FIR/ DD entry/ complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

15. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

16. The bail application is allowed in the aforesaid terms. Pending application(s) also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 18, 2024

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